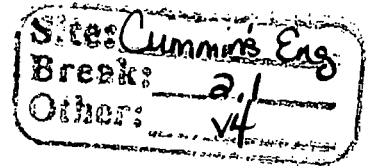


**Cummins Engine Company, Inc.**



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Columbus, Indiana 47202-3005 Telephone 812 377 3831  
Fax 812 377 3272  
e-mail jack.a.rubino@cummins.com

John A. Rubino III  
Director-Corporate Environmental Affairs  
and Senior Counsel

December 22, 2000

Via Facsimile and Overnight Courier

Roberta Runge  
On Scene Coordinator  
United States Environmental Protection Agency  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, Ga 30303-8909

Paul D. Okerberg  
Special Agent  
United States Environmental Protection Agency  
170 Meeting Street, Suite 300  
Charleston, SC 29401

Lt. James V. Mahney, Jr.  
United States Coast Guard  
196 Tradd Street  
Charleston, SC 29401

William R. Seaborn  
South Carolina Department of Health and Environmental Control  
Trident Environmental Quality Control District  
1362 McMillan Avenue, Suite 300  
Charles, SC 29405

Re: Cummins Plant  
Leeds Avenue, Charleston, SC

Dear Lady and Gentlemen,

This letter is written to respond to comments that were made by government representatives during the on site visit at the Cummins Engine Company Plant on Leeds Avenue in Charleston on December 20, 2000. At that time, a group of government representatives from the EPA and Coast Guard viewed various stormwater and waste water facilities in use at the plant. In addition, the stormwater containment pond on our property, and a ditch which is located in the easement behind our property, were surveyed. The visit concluded with a statement by one of the government representatives that correspondence concerning their findings would be forthcoming from the government in January.



10451254

We would like to assure you that Cummins is committed to environmental compliance and is taking action to address the concerns raised during the facility inspection. We are taking the immediate maintenance actions listed in the attachment to this letter, which were identified yesterday. We will also evaluate other possible actions to assure that our systems are working properly. We feel strongly that our wastewater treatment system and the stormwater system both currently work well to keep contaminants from escaping from our property. However, we want to be responsive to the issues raised during the inspection and ensure that these systems operate at peak performance and all times.

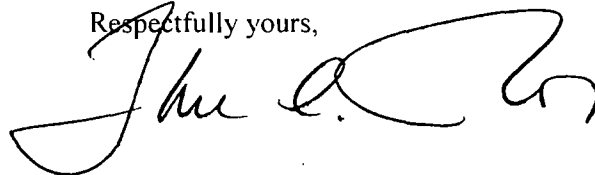
With regard to past impact to the drainage ditch, it appears that a conclusion as to Cummins' liability in this investigation is pre-mature. First, all contaminated wastewater is processed by our wastewater treatment system before being released. There is no indication of a problem with the wastewater processing system. Second, our systems are set up to divert our stormwater to a stormwater retention pond on our property. While we are implementing plans to clean sediment out of the system, we believe that the system is working as designed to capture residual oil before stormwater is discharged. In fact, the pond itself is clean and there are leaves on the top of the diversion weir that would have been disturbed if there was a spill-over event. Third, while there are signs of contamination down stream in the ditch, however, at the point where our overflow drainage outfalls to the ditch there are no signs of contamination or distressed vegetation. We believe that there would be at least some evidence of contamination at Cummins' outfall if the outfall was the source of oil contamination. Fourth, we presented you with photographs of discarded oil filters which are compatible with the vehicles used by what appears to be a limousine service which is apparently run out of a domicile about 100 feet down ditch from our outfall. For reasons unknown to us, the government representatives are discounting this evidence as an indication that the true source of this contamination is unauthorized dumping by the limousine service. Finally, while Cummins has not been able to review the gas chromatography reports that the government is relying on to match the contamination in the ditch to the contamination in the Ashley River, I hope you will agree that a resemblance of the hydrocarbons in the ditch with other hydrocarbons in the Ashley River is hardly definitive evidence that this is the source of the contamination.

LINE CLOGGED  
DIVERTER  
SILTED IN  
POND  
SHOULD  
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BEEN CLEAN  
YES, THERE  
WAS  
WE HAVE A  
FINGER  
PRINT  
MATCH  
HAVEN'T  
ASK  
YES, IT IS.

We would like to obtain a copy of the gas chromatography analysis that the government has. As you know, we have taken duplicate samples of the water from the ditch—both the uncontaminated water near our outfall and the contaminated water near the limousine service. We are very interested to have our expert compare the characteristics of the contaminants in the ditch to those in the Ashley River. Would you please ask the Coast Guard in Groton to release the GC results.

On the basis of the foregoing, I respectfully suggest that it is pre-mature to draw the conclusion that that Cummins is the source of contamination in either the ditch or the Ashley River. We request that Cummins have the opportunity to sit down with you in the first two weeks of January to discuss all the available evidence. This will give us the opportunity to review the chromatograms which were referred to during the inspection and to present you with additional information about Cummins' system. We would like to have this meeting with you prior to your releasing any report or findings relating to our discharge.

Respectfully yours,



cc: Steve Strete, Charleston Plant  
Jim Thiel, Cummins Corporate Environmental Affairs  
Phil Connor, Ogletree, Deakin, Nash, Smoak & Stewart, P.C.

## STORM WATER/WASTE WATER MANAGEMENT PLAN – NORTHWEST SITE AREA

### SHORT-TERM CORRECTIVE ACTIONS

Submission Date: 12/21/00

ITEM	TASK	RESP.	TIMEFRAME/ SCHEDULE	COMPL. DATE
1	Clean chip pad area (housekeeping).	Maint.	12/22/00	12/22/00
2	Ensure valve at chip pad catch basin #2 is in full 'open' position.	Maint.	12/21/00	12/21/00
3	Assess free flow of water from chip pad catch basin #2 to process waste pump – if found, repair any blockage.	Maint.	12/22/00	12/21/00
4	Install oil boom within chip pad catch basin #3 (in front of weir).	Maint.	12/21/00	12/21/00
5	Confirm proper operation of process waste pump.	Maint.	12/22/00	In-Process
6	Install lock on fencing around chip pad catch basin #2.	Maint.	12/21/00	12/21/00
7	Expedite sediment removal from overflow diversion.	Maint.	12/29/00	
8	Ensure check valve at retention pond catch basin is in full 'open' position.	Maint.	12/21/00	12/21/00
9	Remove sheet metal baffle from retention pond catch basin.	Maint.	12/22/00	In-Process
10	Inspect oil booms in retention pond - replace if necessary.	Maint.	12/22/00	In-Process
11	Inspect oil booms in ditch – replace if necessary.	Maint.	12/22/00	In-Process

## STORM WATER/WASTE WATER MANAGEMENT PLAN – NORTHWEST SITE AREA

### LONG-TERM CORRECTIVE ACTION PLAN

Submission Date: 12/21/00

ITEM	TASK	RESP.	TIMEFRAME/ SCHEDULE	COMPL. DATE	FREQ.
1	Develop & document chip pad operator job/task description.	Maint./Plt. Eng.	1/12/01		Ongoing
2	Test & evaluate (audit) flow rates at all chip pad catch basins.	Maint.	N/A	N/A	Weekly
3	Test & evaluate (audit) waste water pump operation.	Maint.	N/A	N/A	Monthly
4	Secure access to chip pad catch basin #2.	Maint./Security	12/21/00		Ongoing
5	Remove sludge from chip pad catch basins #1, #2, #3.	Maint.	12/29/00		Quarterly
6	Inspect oil boom in chip pad catch basin #3 – replace if necessary.	Maint.	N/A	N/A	Daily
7	Inspect overflow diversion manhole condition – remove sediment as required.	Maint.	N/A	N/A	Monthly
8	Ensure check valve at retention pond catch basin is in 'open' position – visual inspection.	Maint.	N/A	N/A	Monthly
9	Secure check valve at retention pond catch basin (open position).	Maint./Security	12/29/00		Ongoing
10	Inspect oil booms in retention pond – replace if necessary.	Maint.	N/A	N/A	Weekly
11	Install oil boom in overflow diversion manhole (down-stream of weir).	Maint.	1/5/01		Ongoing
12	Inspect oil boom in overflow diversion manhole – replace if necessary.	Maint.	N/A	N/A	Weekly
13	Inspect oil booms in storm water ditch – replace if necessary.	Maint.	N/A	N/A	Weekly
14	Develop & document task completion check sheets.	Maint./Plt. Eng.	1/12/01		Ongoing
15	Inspect/Audit total storm water/waste water flow system.	Plt. Eng.	N/A	N/A	Monthly
16	Communicate investigation results and corrective action requirements to site operating team.	Brodt/Strete	1/01		N/A
17	Inspect/Audit total storm water/waste water flow system.	Plt. Eng.	N/A	N/A	Monthly